



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 211129-0247]

RTID 0648-XY118

### **Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2022 and 2023 Harvest Specifications for Groundfish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; harvest specifications and request for comments.

**SUMMARY:** NMFS proposes 2022 and 2023 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2022 and 2023 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The 2022 harvest specifications supersede those previously set in the final 2021 and 2022 harvest specifications, and the 2023 harvest specifications will be superseded in early 2023 when the final 2023 and 2024 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Comments must be received by [*insert date 30 days after date of publication in the FEDERAL REGISTER*].

**ADDRESSES:** Submit comments on this document, identified by NOAA-NMFS-2021-0097, by either of the following methods:

- *Federal e-Rulemaking Portal*: Go

to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2021-0097](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2021-0097), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail*: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

*Instructions*: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIR) to the Final EIS prepared for this action are available from <https://www.regulations.gov>. An updated 2022 SIR for the final 2022 and 2023 harvest specifications will be available from the same source. The final 2020 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2020, is available from the North Pacific Fishery Management Council (Council) at 1007 West Third, Suite 400, Anchorage, AK 99501-2252, phone 907-271-2809, or from the Council’s website at <https://www.npfmc.org>. The 2021 SAFE report for the GOA will be available from the same source.

**FOR FURTHER INFORMATION CONTACT**: Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20(a)(1)(i)(B)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. The proposed harvest specifications in Tables 1 through 20 of this rule satisfy these requirements. For 2022 and 2023, the sum of the proposed TAC amounts is 409,039 mt.

Under § 679.20(c)(3), NMFS will publish the final 2022 and 2023 harvest specifications after 1) considering comments received within the comment period (see **DATES**), 2) consulting with the Council at its December 2021 meeting, 3) considering information presented in the 2022 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**), and 4) considering information presented in the final 2021 SAFE report prepared for the 2022 and 2023 groundfish fisheries.

#### **Proposed Acceptable Biological Catch (ABC) and TAC Specifications**

In October 2021, the Council's Scientific and Statistical Committee (SSC), its Advisory Panel (AP), and the Council reviewed the most recent biological and harvest information about the condition of the GOA groundfish stocks. The Council's GOA Groundfish Plan Team (Plan Team) compiled and presented this information in the final 2020 SAFE report for the GOA groundfish fisheries, dated November 2020 (see

**ADDRESSES).** The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team recommends, and the SSC sets, an Overfishing Limit (OFL) and Acceptable Biological Catch (ABC) for each species or species group. The amounts proposed for the 2022 and 2023 OFLs and ABCs are based on the 2020 SAFE report. The AP and Council recommended that the proposed 2022 and 2023 TACs be set equal to proposed ABCs for all species and species groups, with the exception of the species and species groups further discussed below. The proposed OFLs, ABCs, and TACs could be changed in the final harvest specifications depending on the most recent scientific information contained in the final 2021 SAFE report. The stock assessments that will comprise, in part, the 2021 SAFE report are available at <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation>. The final 2021 SAFE report will be available from the same source.

In November 2021, the Plan Team will update the 2020 SAFE report to include new information collected during 2021, such as NMFS stock surveys, revised stock assessments, and catch data. The Plan Team will compile this information and present the draft 2021 SAFE report at the December 2021 Council meeting. At that meeting, the SSC and the Council will review the 2021 SAFE report, and the Council will approve the 2021 SAFE report. The Council will consider information in the 2021 SAFE report, recommendations from the November 2021 Plan Team meeting and December 2021 SSC and AP meetings, public testimony, and relevant written public comments in making its recommendations for the final 2022 and 2023 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend adjusting the TACs if warranted

based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

#### *Potential Changes Between Proposed and Final Specifications*

In previous years, the most significant changes (relative to the amount of assessed tonnage of fish) to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models used for producing stock assessments. At the September 2021 Plan Team meeting, NMFS scientists presented updated and new survey results. Scientists also discussed potential changes to assessment models, and accompanying preliminary stock estimates. At the October 2021 Council meeting, the SSC reviewed this information. The species with potential for a significant model change is rock sole. Model changes can result in changes to final OFLs, ABCs, and TACs.

In November 2021, the Plan Team will consider updated survey results and updated stock assessments for groundfish, which will be included in the draft 2021 SAFE report. If the 2021 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2022 and 2023 harvest specifications for that species may reflect an increase from the proposed harvest specifications. Conversely, if the 2021 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2022 and 2023 harvest specifications may reflect a decrease from the proposed harvest specifications.

The proposed 2022 and 2023 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies the tiers to be used to calculate OFLs and ABCs. The tiers applicable to a particular stock or stock complex are determined by the level of

reliable information available to the fisheries scientists. This information is categorized into a successive series of six tiers to define OFLs and ABCs, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFLs and ABCs for each groundfish species. The SSC adopted the proposed 2022 and 2023 OFLs and ABCs recommended by the Plan Team for all groundfish species. The proposed 2022 and 2023 TACs are based on the best available biological and socioeconomic information. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations.

*Other Potential Changes: Pacific Cod*

For Pacific cod, there is continued concern among stock assessment scientists about the stability of the Pacific cod stock, which may have substantial management implications for 2022 and 2023. In November 2021, NMFS will receive the GOA Pacific cod stock assessment, which will include information about this stock's spawning biomass. The Steller sea lion harvest control regulations at § 679.20(d)(4) state that if a biological assessment of the Pacific cod stock projects that the spawning biomass within an area will be equal to or below 20 percent of the projected unfished spawning biomass during a fishing year, the Regional Administrator must prohibit directed fishing within that area, and the directed fishery will remain closed until a subsequent biological assessment projects that the spawning biomass will exceed 20 percent of the projected unfished spawning biomass. Also, if Pacific cod spawning biomass falls below the  $B_{17.5\%}$  level, a rebuilding plan will be required to comply with provisions of the Magnuson-Stevens Act (16 U.S.C. 1854(e)).

*Specification and Apportionment of TAC Amounts*

The Council recommended proposed 2022 and 2023 TACs that are equal to proposed ABCs for all species and species groups, with the exception of pollock for the

combined Western and Central GOA and West Yakutat District area, Pacific cod, shallow-water flatfish in the Western GOA, arrowtooth flounder in the Western GOA and the West Yakutat and Southeast Outside (SEO) Districts, flathead sole in the Western and Central GOA, Atka mackerel, and “other rockfish” in the SEO District.

The combined Western and Central Regulatory Areas and the West Yakutat (WYK) District of the Eastern Regulatory Area (the W/C/WYK) pollock TAC and the GOA Pacific cod TACs are set to account for the State of Alaska’s (State) guideline harvest levels (GHL) for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The Atka mackerel TAC is set to accommodate incidental catch amounts (ICA) in other fisheries. The “other rockfish” TAC in the SEO District is set to reduce the amount of discards of the species in that complex. These reductions are described below.

NMFS’s proposed apportionments of groundfish species are based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on apportionments of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the W/C/WYK Regulatory Area accounts for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State water and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2022 and 2023, the Council recommended the W/C/WYK pollock ABC include the amount to account for the State’s PWS GHL. At the November 2018 Plan Team meeting, State fisheries managers recommended setting the future PWS GHL at 2.5 percent of the

annual W/C/WYK pollock ABC. For 2022, this yields a PWS pollock GHl of 2,298 mt, a decrease of 345 mt from the 2021 PWS GHl of 2,643 mt. After accounting for the PWS GHl, the 2022 and 2023 pollock ABC for the combined W/C/WYK areas is then apportioned among four statistical areas (Areas 610, 620, 630, and 640) as both ABCs and TACs, as described below and detailed in Table 1. The total ABCs and TACs for the four statistical areas, plus the State GHl, do not exceed the combined W/C/WYK ABC. The proposed W/C/WYK 2022 and 2023 pollock ABC is 91,934 mt, and the proposed TAC is 89,636 mt.

Apportionments of pollock to the W/C/WYK management areas are considered to be apportionments of annual catch limit (ACL) rather than apportionments of ABCs. This more accurately reflects that such apportionments address management concerns, rather than biological or conservation concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC among Areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the combined W/C/WYK ACL, ABC, and TAC are not exceeded.

NMFS proposes pollock TACs in the Western (Area 610) and Central (Areas 620 and 630) Regulatory Areas and the West Yakutat (Area 640) and the SEO (Area 650) Districts of the GOA (see Table 1). NMFS also proposes seasonal apportionment of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630. These apportionments are divided equally among the following two seasons: the A season (January 20 through May 31) and the B season (September 1 through November 1) (§§ 679.23(d)(2)(i) and (ii), and 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided below; Table 2 lists these amounts.

The proposed 2022 and 2023 Pacific cod TACs are set to accommodate the State's GHls for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS (in the Eastern Regulatory Area) (see Table 1). The Plan Team,



SSC, AP, and Council recommended that the sum of all State water and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council recommended the 2022 and 2023 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHGs. Therefore, the proposed 2022 and 2023 Pacific cod TACs are less than the proposed ABCs by the following amounts: 1) Western GOA, 3,868 mt; 2) Central GOA, 5,511 mt; and 3) Eastern GOA, 801 mt. These amounts reflect the State's 2022 and 2023 GHGs in these areas, which are 30 percent of the Western GOA proposed ABC, and 25 percent of the Eastern and Central GOA proposed ABCs.

The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. NMFS also establishes seasonal apportionments of the annual Pacific cod TACs in the Western and Central Regulatory Areas. The Pacific cod sector and seasonal apportionments are discussed in detail in a subsequent section and in Table 4 of this rule.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area (§ 679.7(b)(1)) and makes available five percent of the Eastern Regulatory Area (WYK and SEO Districts combined) TAC to vessels using trawl gear for use as incidental catch in other trawl groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Additional detail is provided below. Tables 5 and 6 list the proposed 2022 and 2023 allocations of the sablefish TAC to fixed gear and trawl gear in the GOA.

For 2022 and 2023, the Council recommends and NMFS proposes the OFGs, ABCs, and TACs listed in Table 1. These amounts are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are adjusted for other biological and socioeconomic considerations. The

sum of the proposed TACs for all GOA groundfish is 409,039 mt for 2022 and 2023, which is within the OY range specified by the FMP. These proposed amounts and apportionments by area, season, and sector are subject to change pending consideration of the 2021 SAFE report, public comment, and the Council's recommendations for the final 2022 and 2023 harvest specifications during its December 2021 meeting.

**Table 1--Proposed 2022 and 2023 OFLs, ABCs, and TACs of Groundfish for the Western/Central/West Yakutat, Western, Central, and Eastern Regulatory Areas, the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, and Gulfwide District of the Gulf of Alaska (Values are rounded to the nearest metric ton)**

Species	Area <sup>1</sup>	OFL	ABC	TAC <sup>2</sup>
Pollock <sup>2</sup>	Shumagin (610)	n/a	16,067	16,067
	Chirikof (620)	n/a	47,714	47,714
	Kodiak (630)	n/a	21,149	21,149
	WYK (640)	n/a	4,706	4,706
	W/C/WYK (subtotal)	106,767	91,934	89,636
	SEO (650)	13,531	10,148	10,148
	Total	120,298	102,082	99,784
Pacific cod <sup>3</sup>	W	n/a	12,892	9,024
	C	n/a	22,045	16,534
	E	n/a	3,204	2,403
	Total	46,587	38,141	27,961
Sablefish <sup>4</sup>	W	n/a	4,165	4,165
	C	n/a	11,111	11,111
	WYK	n/a	4,009	4,009
	SEO	n/a	5,946	5,946
	E (WYK and SEO) (subtotal)	n/a	9,955	9,955
	Total	70,710	25,231	25,231
Shallow-water flatfish <sup>5</sup>	W	n/a	24,460	13,250
	C	n/a	28,442	28,442
	WYK	n/a	2,844	2,844
	SEO	n/a	1,137	1,137
	Total	69,691	56,883	45,673
Deep-water flatfish <sup>6</sup>	W	n/a	225	225
	C	n/a	1,914	1,914
	WYK	n/a	2,068	2,068
	SEO	n/a	1,719	1,719
	Total	7,040	5,926	5,926
Rex sole	W	n/a	3,013	3,013
	C	n/a	8,912	8,912
	WYK	n/a	1,206	1,206
	SEO	n/a	2,285	2,285
	Total	18,779	15,416	15,416
Arrowtooth flounder	W	n/a	31,479	14,500
	C	n/a	67,154	67,154
	WYK	n/a	8,147	6,900
	SEO	n/a	16,665	6,900
	Total	147,515	123,445	95,454
Flathead sole	W	n/a	14,380	8,650
	C	n/a	21,076	15,400
	WYK	n/a	2,456	2,456
	SEO	n/a	1,939	1,939

	Total	48,534	39,851	28,445
Pacific ocean perch <sup>7</sup>	W	n/a	1,572	1,572
	C	n/a	26,234	26,234
	WYK	n/a	1,631	1,631
	W/C/WYK	34,974	29,437	29,437
	SEO	6,136	5,165	5,165
	Total	41,110	34,602	34,602
Northern rockfish <sup>8</sup>	W	n/a	1,926	1,926
	C	n/a	3,173	3,173
	E	n/a	1	-
	Total	6,088	5,100	5,099
Shortraker rockfish <sup>9</sup>	W	n/a	52	52
	C	n/a	284	284
	E	n/a	372	372
	Total	944	708	708
Dusky rockfish <sup>10</sup>	W	n/a	265	265
	C	n/a	4,469	4,469
	WYK	n/a	460	460
	SEO	n/a	101	101
	Total	8,423	5,295	5,295
Rougheye and blackspotted rockfish <sup>11</sup>	W	n/a	170	170
	C	n/a	459	459
	E	n/a	592	592
	Total	1,467	1,221	1,221
Demersal shelf rockfish <sup>12</sup>	SEO	405	257	257
Thornyhead rockfish <sup>13</sup>	W	n/a	352	352
	C	n/a	910	910
	E	n/a	691	691
	Total	2,604	1,953	1,953
Other rockfish <sup>14,15</sup>	W/C combined	n/a	940	940
	WYK	n/a	369	369
	SEO	n/a	2,744	300
	Total	5,320	4,053	1,609
Atka mackerel	GW	6,200	4,700	3,000
Big skates <sup>16</sup>	W	n/a	758	758
	C	n/a	1,560	1,560
	E	n/a	890	890
	Total	4, 278	3,208	3,208
Longnose skates <sup>17</sup>	W	n/a	158	158
	C	n/a	1,875	1,875
	E	n/a	554	554
	Total	3,449	2,587	2,587
Other skates <sup>18</sup>	GW	1,166	875	875
Sharks	GW	5,006	3,755	3,755
Octopuses	GW	1,307	980	980
Total		616,921	476,269	409,039

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 91,934 mt. After deducting 2.5 percent (2,298 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 89,636 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 2 (proposed 2022 and 2023 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned, after seasonal apportionment to the jig sector, as follows: 1) 63.84 percent to the A season and 36.16 percent to the B season and 2) 64.16 percent to the A season and 35.84 percent to the B season in the Western and Central Regulatory Areas of the GOA, respectively. The Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 4 lists the proposed 2022 and 2023 Pacific cod seasonal apportionments and sector allocations.

<sup>4</sup> The sablefish OFL and ABC are set Alaska-wide (70,710 mt and 36,955 mt, respectively) and the GOA sablefish ABC is 25,231 mt. Additionally, sablefish is allocated only to trawl gear in 2023. Tables 5 and 6 list the proposed 2022 and 2023 allocations of sablefish TACs.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinous*. For management purposes the 1 mt apportionment of ABC to the WYK District of the Eastern Regulatory Area has been included in the "other rockfish" species group.

<sup>9</sup> "Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup> "Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup> "Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup> "Thornyhead rockfish" means *Sebastolobus* species.

<sup>14</sup> "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, "other rockfish" also includes northern rockfish (*S. polyspinous*).

<sup>15</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District of the Eastern Regulatory Area means all rockfish species included in the "other rockfish" and demersal shelf rockfish categories. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>16</sup> "Big skates" means *Raja binoculata*.

<sup>17</sup> "Longnose skates" means *Raja rhina*.

<sup>18</sup> "Other skates" means *Bathyraja* and *Raja* spp.

### *Proposed Apportionment of Reserves*

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sharks, and octopuses in reserve for possible apportionment at a later date during the fishing year. Section 679.20(b)(3) authorizes NMFS to reapportion all or part of these reserves. In 2021, NMFS reapportioned all of the reserves

in the final harvest specifications. For 2022 and 2023, NMFS proposes reapportionment of each of the reserves for pollock, Pacific cod, flatfish, sharks, and octopuses back into the original TAC from which the reserve was derived. NMFS expects, based on recent harvest patterns, that such reserves will not be necessary and that the entire TAC for each of these species will be caught or are needed to promote efficient fisheries. The TACs in Table 1 reflect this proposed reapportionment of reserve amounts to the original TAC for these species and species groups, *i.e.*, each proposed TAC for the above-mentioned species or species groups contains the full TAC recommended by the Council.

*Proposed Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components*

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into two seasonal allowances of 50 percent. As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively.

The GOA pollock stock assessment continues to use a four-season methodology to determine pollock distribution in the Western and Central Regulatory Areas of the GOA to maintain continuity in the historical pollock apportionment time-series. Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of pollock biomass determined by the most recent NMFS surveys, pursuant to § 679.20(a)(5)(iv)(A). The pollock chapter of the 2020 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment and reasons for the minor changes from past apportionments. For purposes of specifying pollock between two seasons for the Western and Central Regulatory Areas of the GOA, NMFS has summed the A and B season

apportionments and the C and D season apportionments as calculated in the 2020 GOA pollock assessment. This yields the seasonal amounts specified for the A season and the B season, respectively.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be added to, or subtracted from, subsequent seasonal allowances in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the subsequent season in the other statistical areas, in proportion to the estimated biomass to the subsequent season and in an amount no more than 20 percent of the seasonal TAC apportionment in those statistical areas (§ 679.20(a)(5)(iv)(B)). The proposed 2022 and 2023 pollock TACs in the WYK District of 4,706 mt and the SEO District of 10,148 mt are not allocated by season.

Table 2 lists the proposed 2022 and 2023 area apportionments and seasonal allowances of pollock in the Western and Central Regulatory Areas. The amounts of pollock for processing by the inshore and offshore components are not shown. Section 679.20(a)(6)(i) requires allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is the amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these ICAs of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

**Table 2--Proposed 2022 and 2023 Distribution of Pollock in the Central and Western Regulatory Areas of the Gulf of Alaska; Area Apportionments; and Seasonal Allowances of Annual TAC<sup>1</sup> (Values are rounded to the nearest metric ton)**

Season <sup>2</sup>	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total <sup>3</sup>
A (January 20-May 31)	695	36,294	5,476	42,465
B (September 1-November 1)	15,372	11,420	15,672	42,465
Annual Total	16,067	47,714	21,149	84,929

<sup>1</sup> Area apportionments and seasonal allowances may not total precisely due to rounding.

<sup>2</sup> As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>3</sup> The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

*Proposed Annual and Seasonal Apportionments of Pacific Cod TAC*

Pursuant to § 679.20(a)(12)(i), NMFS proposes allocations for the 2022 and 2023 Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. NMFS also proposes seasonal apportionments of the Pacific cod TACs in the Western and Central Regulatory Areas. A portion of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. The remainder of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). NMFS also proposes allocating the 2022 and 2023 Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern Regulatory Area of the GOA (§ 679.20(a)(6)(ii)).

In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among catcher vessels (CV) using hook-and-line gear, catcher/processors (CP) using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs



less than 50 feet in length overall using hook-and-line gear, CVs equal to or greater than 50 feet in length overall using hook-and-line gear, CPs using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). Excluding seasonal apportionments to the jig gear sector, NMFS proposes apportioning the remainder of the annual Pacific cod TACs as follows: the seasonal apportionments of the annual TAC in the Western GOA are 63.84 percent to the A season and 36.16 percent to the B season, and in the Central GOA are 64.16 percent to the A season and 35.84 percent to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance from the A season may be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that is determined by NMFS as likely to go unharvested by a sector may be reallocated to other sectors for harvest during the remainder of the fishing year.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal fisheries permit that use jig gear before the TACs are apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of two years.

NMFS has evaluated the historical harvest performance of the jig sector in the Western and Central GOA, and is proposing the 2022 and 2023 Pacific cod apportionments to this sector based on its historical harvest performance through 2021. NMFS did not evaluate the 2020 performance of the jig sectors in the Western and Central GOA. In 2020, the catch for the jig sectors could not reach 90 percent of the

initial allocation required for a performance increase because NMFS prohibited directed fishing for all Pacific cod sectors (84 FR 70438, December 23, 2019). For 2022 and 2023, NMFS proposes that the jig sector receive 3.5 percent of the annual Pacific cod TAC in the Western GOA. The 2022 and 2023 allocations consist of a base allocation of 1.5 percent of the Western GOA Pacific cod TAC, and prior historical harvest performance increases of 2.0 percent. For 2022 and 2023, NMFS also proposes that the jig sector receive 1.0 percent of the annual Pacific cod TAC in the Central GOA. The 2022 and 2023 allocations consist of a base allocation of 1.0 percent, and no additional performance increase in the Central GOA. The 2014 through 2021 Pacific cod jig allocations, catch, and percent allocation changes are listed in Table 3.

**Table 3--Summary of Western GOA and Central GOA Pacific Cod Catch by Jig Gear in 2014 through 2021, and Corresponding Percent Allocation Changes**

Area	Year	Initial Percent of TAC	Initial TAC Allocation	Catch (mt)	Percent of Initial Allocation	> 90% of Initial Allocation?	Change to Percent Allocation
Western GOA	2014	2.5%	573	785	137%	Y	Increase 1%
	2015	3.5%	948	55	6%	N	None
	2016	3.5%	992	52	5%	N	Decrease 1%
	2017	2.5%	635	49	8%	N	Decrease 1%
	2018	1.5%	125	121	97%	Y	Increase 1%
	2019	2.5%	134	134	100%	Y	Increase 1%
	2020	n/a					
	2021	3.5%	195	26	13	N	None
Central GOA	2014	2.0%	797	262	33%	N	Decrease 1%
	2015	1.0%	460	355	77%	N	None
	2016	1.0%	370	267	72%	N	None
	2017	1.0%	331	18	6%	N	None
	2018	1.0%	61	0	0%	N	None
	2019	1.0%	58	30	52%	N	None
	2020	n/a					
	2021	1.0%	102	26	26%	N	None

NMFS will re-evaluate the annual 2021 harvest performance of the jig sector in the Western and Central GOA when the 2021 fishing year is complete to determine

whether to change the jig sector allocations proposed by this action in conjunction with the final 2022 and 2023 harvest specifications. The current catch through October 2021 by the Western GOA jig sector indicates that the Pacific cod allocation percentage to this sector would probably not change in 2022, and would remain at 3.5 percent. Also, the current catch by the Central GOA jig sector indicates that this sector's Pacific cod allocation percentage would not change in 2022, and would remain at 1 percent. For 2022 and 2023, NMFS proposes apportioning the jig sector allocations for the Western and Central GOA between the A season (60 percent) and the B season (40 percent) (§ 679.20(a)(12)(i)). Table 4 lists the seasonal apportionments and allocations of the proposed 2022 and 2023 Pacific cod TACs.

**Table 4--Proposed 2022 and 2023 Seasonal Apportionments and Allocations of Pacific Cod TAC Amounts in the GOA; Allocations in the Western GOA and Central GOA Sectors, and the Eastern GOA Inshore and Offshore Processing Components (Values are rounded to the nearest metric ton)**

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA					
Jig (3.5% of TAC)	316	N/A	190	N/A	126
Hook-and-line CV	122	0.70	61	0.70	61
Hook-and-line CP	1,724	10.90	949	8.90	775
Trawl CV	3,344	31.54	2,747	6.86	597
Trawl CP	209	0.90	78	1.50	131
Pot CV and Pot CP	3,309	19.80	1,724	18.20	1,585
Total	9,024	63.84	5,749	36.16	3,275
Central GOA					
Jig (1.0% of TAC)	165	N/A	99	N/A	66
Hook-and-line < 50 CV	2,390	9.32	1,525	5.29	865
Hook-and-line ≥ 50 CV	1,098	5.61	918	1.10	180

Hook-and-line CP	836	4.11	672	1.00	163
Trawl CV <sup>1</sup>	6,807	25.29	4,140	16.29	2,667
Trawl CP	687	2.00	328	2.19	359
Pot CV and Pot CP	4,551	17.83	2,918	9.97	1,633
Total	16,534	64.16	10,601	35.84	5,933
Eastern GOA		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	2,403	2,163		240	

<sup>1</sup> Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 630 mt, of the annual Central GOA Pacific cod TAC (see Table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

*Proposed Allocations of the Sablefish TAC Amounts to Vessels Using Fixed Gear and Trawl Gear*

Section 679.20(a)(4)(i) and (ii) requires allocations of sablefish TACs for each of the regulatory areas and districts to fixed and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may be used only to support incidental catch of sablefish while directed fishing for other target species using trawl gear (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS proposes specifying for incidental catch the allocation of 5 percent of the Eastern Regulatory Area sablefish (WYK and SEO Districts combined) TAC to trawl gear in the WYK District of the Eastern Regulatory Area. The remainder of the WYK District sablefish TAC is allocated to vessels using fixed gear. This proposed action allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This results in proposed 2022 allocations of 498 mt to trawl gear and 3,511 mt to fixed gear in the WYK District, a proposed 2022 allocation of 5,946 mt to fixed gear in the SEO District, and a proposed

2023 allocation of 498 mt to trawl gear in the WYK District. Table 5 lists the allocations of the proposed 2022 sablefish TACs to fixed and trawl gear. Table 6 lists the allocations of the proposed 2023 sablefish TACs to trawl gear.

The Council recommended that the trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Tables 5 and 6 list the proposed 2022 and 2023 trawl allocations, respectively.

The Council also recommended that the fixed gear sablefish TAC be established annually to ensure that the sablefish individual fishing quota (IFQ) fishery is conducted concurrently with the halibut IFQ fishery and is based on the most recent survey information. Since there is an annual assessment for sablefish and since the final harvest specifications are expected to be published before the IFQ season begins (typically, in early March), the Council recommended that the fixed gear sablefish TAC be set annually, rather than for two years, so that the best available scientific information could be considered in establishing the sablefish ABCs and TACs. Accordingly, Table 5 lists the proposed 2022 fixed gear allocations, and the 2023 fixed gear allocations will be specified in the 2023 and 2024 harvest specifications.

With the exception of the trawl allocations that are provided to the Rockfish Program (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear is closed during the fishing year. Also, fishing for groundfish with trawl gear is prohibited prior to January 20 (§ 679.23(c)). Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2023 and 2024 harvest specifications.

**Table 5--Proposed 2022 Sablefish TAC Amounts in the Gulf of Alaska and Allocations to Fixed and Trawl Gear (Values are rounded to the nearest metric ton)**

Area/District	TAC	Fixed Gear allocation	Trawl allocation
Western	4,165	3,332	833

Central <sup>1</sup>	11,111	8,889	2,222
West Yakutat <sup>2</sup>	4,009	3,511	498
Southeast Outside	5,946	5,946	0
Total	25,231	21,678	3,553

<sup>1</sup> The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,143 mt). See Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 1,079 mt being available for the non-Rockfish Program trawl fisheries.

<sup>2</sup> The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

**Table 6--Proposed 2023 Sablefish TAC Amounts in the Gulf of Alaska and Allocation to Trawl Gear<sup>1</sup> (Values are rounded to the nearest metric ton)**

Area/District	TAC	Fixed Gear allocation	Trawl allocation
Western	4,165	n/a	833
Central <sup>2</sup>	11,111	n/a	2,222
West Yakutat <sup>3</sup>	4,009	n/a	498
Southeast Outside	5,946	n/a	0
Total	25,231	n/a	3,553

<sup>1</sup> The Council recommended that the proposed 2023 harvest specifications for the fixed gear sablefish Individual Fishing Quota fisheries not be specified in the proposed 2022 and 2023 harvest specifications.

<sup>2</sup> The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,143 mt). See Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 1,079 mt being available for the non-Rockfish Program trawl fisheries.

<sup>3</sup> The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

### *Proposed Allocations, Apportionments, and Sideboard Limitations for the Rockfish Program*

These proposed 2022 and 2023 harvest specifications for the GOA include the fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Program participants are primarily trawl CVs and trawl CPs, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to trawl participants for primary species (Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (Pacific cod, rougheye rockfish, sablefish, shortraker rockfish, and thornyhead rockfish), allows a participant holding a license limitation program (LLP) license with rockfish quota share to form a

rockfish cooperative with other persons, and allows holders of CP LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR part 679). The Rockfish Program also establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions and halibut PSC limits are discussed in a subsequent section in this rule titled “Rockfish Program Groundfish Sideboard and Halibut PSC Limitations.”

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2022 and 2023. The allocation for the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it reaches the maximum percentage of the TAC for that species. In 2021, the catch for all three primary species did not exceed 90 percent of any allocated rockfish species. Therefore, NMFS is not proposing any increases to the entry level longline fishery 2022 and 2023 allocations in the Central GOA. The remainder of the TACs for the rockfish primary species, after subtracting the ICAs, would be allocated to the CV

and CP cooperatives (§ 679.81(a)(2)(iii)). Table 7 lists the allocations of the proposed 2022 and 2023 TACs for each rockfish primary species to the entry level longline fishery, the potential incremental increases for future years, and the maximum percentages of the TACs for the entry level longline fishery.

**Table 7--Proposed 2022 and 2023 Allocations of Rockfish Primary Species to the Entry Level Longline Fishery in the Central Gulf of Alaska**

Rockfish primary species	Proposed 2022 and 2023 allocations	Incremental increase in 2023 if > 90 percent of 2022 allocation is harvested	Up to maximum percent of each TAC of
Pacific ocean perch	5 metric tons	5 metric tons	1%
Northern rockfish	5 metric tons	5 metric tons	2%
Dusky rockfish	50 metric tons	20 metric tons	5%

Section 679.81 requires allocations of rockfish primary species among various sectors of the Rockfish Program. Table 8 lists the proposed 2022 and 2023 allocations of rockfish primary species in the Central GOA to the entry level longline fishery, and rockfish CV and CP cooperatives in the Rockfish Program. NMFS also proposes setting aside ICAs for other directed fisheries in the Central GOA of 2,500 mt of Pacific ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or CP cooperatives are not included in these proposed harvest specifications. Rockfish Program applications for CV cooperatives and CP cooperatives are not due to NMFS until March 1 of each calendar year; therefore, NMFS cannot calculate 2022 and 2023 allocations in conjunction with these proposed harvest specifications. NMFS will post the 2022 allocations on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#central-go-a-rockfish> when they become available after March 1.



**Table 8--Proposed 2022 and 2023 Allocations of Rockfish Primary Species in the Central Gulf of Alaska to the Entry Level Longline Fishery and Rockfish Cooperatives in the Rockfish Program (Values are rounded to the nearest metric ton)**

Rockfish primary species	Central GOA TAC	Incidental catch allowance (ICA)	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the Rockfish Cooperatives <sup>2</sup>
Pacific ocean perch	26,234	2,500	23,734	5	23,729
Northern rockfish	3,173	300	2,873	5	2,868
Dusky rockfish	4,469	250	4,219	50	4,169
Total	33,876	3,050	30,826	60	30,766

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

<sup>2</sup> Rockfish cooperatives include vessels in CV and CP cooperatives (50 CFR 679.81).

Section 679.81(c) and Table 28c to 50 CFR part 679 requires allocations of rockfish secondary species to CV and CP cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear allocation, and thornyhead rockfish. CP cooperatives receive allocations of sablefish from the trawl gear allocation, rougheye and blackspotted rockfish, shortraker rockfish, and thornyhead rockfish. Table 9 lists the apportionments of the proposed 2022 and 2023 TACs of rockfish secondary species in the Central GOA to CV and CP cooperatives.

**Table 9--Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA to Catcher Vessel and Catcher/Processor Cooperatives (Values are in metric tons)**

Rockfish secondary species	Central GOA annual TAC	Catcher Vessel cooperatives		Catcher/Processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod	16,534	3.81	630	0.00	0
Sablefish	11,111	6.78	753	3.51	390
Shortraker rockfish	284	0.00	0	40.00	114
Rougheye and blackspotted rockfish	459	0.00	0	58.87	270
Thornyhead rockfish	910	7.84	71	26.50	241

### *Halibut PSC Limits*

Section 679.21(d) establishes annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In October 2021, the Council recommended, and NMFS proposes, halibut PSC limits of 1,706 mt for trawl gear, 257 mt for hook-and-line gear, and 9 mt for the demersal shelf rockfish (DSR) fishery in the SEO District for both 2022 and 2023.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because: 1) the duration of the DSR fisheries and the gear soak times are short; 2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut; and 3) the directed commercial DSR fishery has a low DSR TAC. The Alaska Department of Fish and Game sets the commercial GHL for the DSR fishery after deducting: 1) estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and 2) the allocation to the DSR sport fish fishery. In 2021, the commercial fishery for DSR was closed due to concerns about declining DSR biomass.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, proposes to exempt pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the non-trawl halibut PSC limit for 2022 and 2023. The Council recommended, and NMFS is proposing, these exemptions because 1) pot gear fisheries have low annual halibut bycatch mortality; 2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a CV holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)); 3) some sablefish IFQ permit holders

hold halibut IFQ permits and are therefore required to retain the halibut they catch while fishing sablefish IFQ; and 4) NMFS estimates negligible halibut mortality for the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2021. The calculated halibut bycatch mortality through November 6, 2021 is 313 mt for trawl gear and 59 mt for hook-and-line gear, for a total halibut mortality of 372 mt. This halibut mortality was calculated using groundfish and IFQ halibut catch data from the NMFS Alaska Region's catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish and IFQ halibut fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require that the Council and NMFS consider the following information in seasonally apportioning halibut PSC limits: 1) seasonal distribution of halibut; 2) seasonal distribution of target groundfish species relative to halibut distribution; 3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; 4) expected bycatch rates on a seasonal basis; 5) expected changes in directed groundfish fishing seasons; 6) expected actual start of fishing effort; and 7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. Based on public comment, information presented in the 2021 SAFE report, NMFS catch data, State catch data, or International Pacific Halibut Commission (IPHC) stock assessment and mortality data, the Council may recommend or NMFS may make changes to the seasonal, gear-type, or fishery category apportionments of halibut PSC limits for the final 2022 and 2023 harvest specifications pursuant to § 679.21(d)(1) and (d)(4).

The final 2021 and 2022 harvest specifications (86 FR 10184, February 19, 2021) summarized the Council's and NMFS's findings for these FMP and regulatory considerations with respect to halibut PSC limits. The Council's and NMFS's proposed findings for these proposed 2022 and 2023 harvest specifications are unchanged from the final 2021 and 2022 harvest specifications. Table 10 lists the proposed 2022 and 2023 Pacific halibut PSC limits, allowances, and apportionments. The halibut PSC limits in Tables 10, 11, and 12 reflect the halibut PSC limits set forth at § 679.21(d)(2) and (3). Section 679.21(d)(4)(iii) and (iv) specifies that any underages or overages of a seasonal apportionment of a halibut PSC limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

**Table 10--Proposed 2022 and 2023 Pacific Halibut PSC Limits, Allowances, and Apportionments (Values are in metric tons)**

Trawl gear			Hook-and-line gear <sup>1</sup>				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount	Season	Amount
January 20 - April 1	30.5	519	January 1 - June 10	86	221	January 1 - December 31	9
April 1 - July 1	20	341	June 10 - September 1	2	5		
July 1 - August 1	27	462	September 1 - December 31	12	31		
August 1 - October 1	7.5	128					
October 1 - December 31	15	256					
Total		1,706			257		9

<sup>1</sup> The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and to hook-and-line fisheries other than the DSR fishery. The Council recommended and NMFS proposes that the hook-and-line sablefish IFQ fishery, and the pot and jig gear groundfish fisheries, be exempt from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit as bycatch allowances to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category's share of the anticipated halibut bycatch mortality during a fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: 1) a deep-water species fishery, composed of sablefish, rockfish,

deep-water flatfish, rex sole, and arrowtooth flounder; and 2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and “other species” (sharks and octopuses) (§ 679.21(d)(3)(iii)). Halibut mortality incurred while directed fishing for skates with trawl gear accrues towards the shallow-water species fishery halibut PSC limit (69 FR 26320, May 12, 2004).

NMFS will combine available trawl halibut PSC limit apportionments in part of the second season deep-water and shallow-water species fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the trawl gear deep-water and shallow-water species fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 11 lists the proposed 2022 and 2023 seasonal apportionments of trawl halibut PSC limits between the trawl gear deep-water and the shallow-water species fisheries.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and CP sectors that are participating in the Central GOA Rockfish Program. This includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the CP sector. These amounts are allocated from the trawl deep-water species fishery’s halibut PSC third seasonal apportionment. After the combined CV and CP halibut PSC limit allocation of 191 mt to the Rockfish Program, 150 mt remains for the trawl deep-water species fishery’s halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries for the last seasonal apportionment during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit apportioned to Rockfish Program

participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

**Table 11--Proposed 2022 and 2023 Apportionment of the Pacific Halibut PSC Limits Between the Trawl Gear Shallow-Water and Deep-Water Species Fishery Categories (Values are in metric tons)**

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20 - April 1	384	135	519
April 1 - July 1	85	256	341
July 1 - August 1	121	341	462
August 1 - October 1	53	75	128
Subtotal, January 20 - October 1	643	807	1,450
October 1 - December 31 <sup>2</sup>			256
Total			1,706

<sup>1</sup> Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fisheries during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the “other hook-and-line fishery” halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and CPs in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the “other hook-and-line fishery” halibut PSC limit between the hook-and-line CV and CP sectors were included in the proposed rule to implement Amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit for the “other hook-and-line fishery” is apportioned between the CV and CP sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western, Central, and Eastern GOA. Pacific cod is apportioned among these three management areas based on the percentage of overall biomass per area, as calculated in the 2020 Pacific cod stock assessment.

Updated information in the final 2020 SAFE report describes this distributional calculation, which allocates ABC among GOA regulatory areas on the basis of the three most recent stock surveys. For 2022 and 2023, the proposed distribution of the total GOA Pacific cod ABC is 32 percent to the Western GOA, 59 percent to the Central GOA, and 9 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution and allocations with respect to the proposed annual halibut PSC limits for the CV and CP hook-and-line sectors. Additionally, the annual halibut PSC limits for both the CV and CP sectors of the “other hook-and-line fishery” are proposed to be divided into three seasonal apportionments, using seasonal percentages of 86 percent, 2 percent, and 12 percent.

For 2022 and 2023, NMFS proposes annual halibut PSC limits of 144 mt and 113 mt to the hook-and-line CV and hook-and-line CP sectors, respectively. Table 12 lists the proposed 2022 and 2023 apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line CP sectors of the “other hook-and-line fishery.”

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the CV or CP hook-and-line sectors of the “other hook-and-line fishery” for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year (§ 679.21(d)(2)(iii)(C)), if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations.

**Table 12--Proposed 2022 and 2023 Apportionments of the “Other hook-and-line fishery” Annual Halibut PSC Allowance Between the Hook-and-Line Gear Catcher Vessel and Catcher/Processor Sectors (Values are in metric tons)**

“Other than DSR” allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257	Catcher Vessel	144	January 1 - June 10	86	124
			June 10 - September 1	2	3

			September 1 - December 31	12	17
	Catcher/ Processor	113	January 1 - June 10	86	97
			June 10 - September 1	2	2
			September 1 - December 31	12	14

### *Halibut Discard Mortality Rates*

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMR), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observers' estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual GOA stock assessment process. The DMR methodology and findings are included as an appendix to the annual GOA groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council's directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, the SSC, and the Council. A summary of the revised methodology is contained in the GOA proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016), and the comprehensive discussion of the working group's statistical methodology is available from the Council (see **ADDRESSES**). The DMR working group's revised methodology is intended to improve estimation accuracy, transparency, and



transferability for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

In October 2021, the Council recommended halibut DMRs derived from the revised methodology for the proposed 2022 and 2023 DMRs. The proposed 2022 and 2023 DMRs use an updated two-year reference period. Comparing the proposed 2022 and 2023 DMRs to the final DMRs from the final 2021 and 2022 harvest specifications, the proposed DMR for Rockfish Program CVs using non-pelagic trawl gear increased to 66 percent from 60 percent, the proposed DMR for CVs using hook-and-line gear decreased to 12 percent from 13 percent, the proposed DMR for motherships and CPs using non-pelagic trawl gear decreased to 83 percent from 84 percent, and the proposed DMR for CPs and CVs using pot gear increased to 29 percent from 10 percent. Table 13 lists the proposed 2022 and 2023 DMRs.

**Table 13--Proposed 2022 and 2023 Discard Mortality Rates for Vessels Fishing in the Gulf of Alaska (Values are percent of halibut assumed to be dead)**

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	66
	Catcher vessel	All others	69
	Mothership and catcher/processor	All	83
Hook-and-line	Catcher/processor	All	15

	Catcher vessel	All	12
Pot	Catcher vessel and catcher/processor	All	29

### *Chinook Salmon Prohibited Species Catch Limits*

Section 679.21(h)(2) establishes separate Chinook salmon PSC limits in the Western and Central regulatory areas of the GOA in the trawl pollock directed fishery. These limits require that NMFS close directed fishing for pollock in the Western and Central GOA if the applicable Chinook salmon PSC limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the trawl pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set in § 679.21(h)(2)(i) and (ii).

Section 679.21(h)(3) established an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish trawl fisheries in the Western and Central GOA. This limit is apportioned among the three sectors that conduct directed fishing for groundfish species other than pollock: 3,600 Chinook salmon to trawl CPs; 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the trawl non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl CPs and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limit its use of Chinook salmon PSC to a certain threshold amount in 2021 (3,120 for trawl CPs and 2,340 for non-Rockfish Program trawl CVs), that sector will receive an increase to its 2022 Chinook salmon PSC limit (4,080 for trawl CPs and 3,060 for non-Rockfish Program trawl CVs) (§ 679.21(h)(4)). NMFS will evaluate the annual Chinook salmon PSC by

trawl CPs and non-Rockfish Program trawl CVs when the 2021 fishing year is complete to determine whether to increase the Chinook salmon PSC limits for these two sectors. Based on preliminary 2021 Chinook salmon PSC data, the trawl CP sector may receive an incremental increase of Chinook salmon PSC limit in 2022, and the non-Rockfish Program trawl CV sector will not receive an incremental increase of Chinook salmon PSC limit in 2022. This evaluation will be completed in conjunction with the final 2022 and 2023 harvest specifications.

*American Fisheries Act (AFA) CP and CV Groundfish Harvest and PSC Limits*

Section 679.64 establishes groundfish harvesting and processing sideboard limits on AFA CPs and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from harvesting any species of fish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands of less than 5,100 mt, and have made at least 40 landings of GOA groundfish from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limits in the GOA based on the aggregate retained catch by non-exempt AFA CVs of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period.

NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-exempt AFA CVs from directed fishing for specific groundfish species or species groups subject to sideboard limits (§ 679.20(d)(1)(iv)(D) and Table 56 to 50 CFR part 679). Sideboard limits not subject to the final rule continue to be calculated and included in the GOA annual harvest specifications.

Table 14 lists the proposed 2022 and 2023 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Table 14.

**Table 14--Proposed 2022 and 2023 GOA Non-Exempt American Fisheries Act Catcher Vessel (CV) Groundfish Sideboard Limits (Values are rounded to the nearest metric ton)**

Species	Apportionments by season/gear	Area/component	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	Proposed 2022 and 2023 TACs <sup>3</sup>	Proposed 2022 and 2023 non-exempt AFA CV sideboard limit
Pollock	A Season January 20 – May 31	Shumagin (610)	0.6047	695	420
		Chirikof (620)	0.1167	36,294	4,235
		Kodiak (630)	0.2028	5,476	1,111
	B Season September 1 – November 1	Shumagin (610)	0.6047	15,372	9,295
		Chirikof (620)	0.1167	11,420	1,333
		Kodiak (630)	0.2028	15,672	3,178
	Annual	WYK (640)	0.3495	4,706	1,645
		SEO (650)	0.3495	10,148	3,547
Pacific cod	A Season <sup>1</sup> January 1 - June 10	W	0.1331	5,749	765
		C	0.0692	10,601	734
	B Season <sup>2</sup> September 1 - December 31	W	0.1331	3,275	436
		C	0.0692	5,933	411
Flatfish, shallow-water	Annual	W	0.0156	13,250	207
		C	0.0587	28,442	1,670
Flatfish, deep-water	Annual	C	0.0647	1,914	124
		E	0.0128	3,787	48
Rex sole	Annual	C	0.0384	8,912	342
Arrowtooth flounder	Annual	C	0.0280	67,154	1,880
Flathead sole	Annual	C	0.0213	15,400	328
Pacific ocean perch	Annual	C	0.0748	26,234	1,962
		E	0.0466	6,796	317
Northern rockfish	Annual	C	0.0277	3,173	88

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

<sup>3</sup> The Western and Central GOA and WYK District area apportionments of pollock are considered ACLs.

### *Non-Exempt AFA Catcher Vessel Halibut PSC Limits*

The halibut PSC sideboard limits for non-exempt AFA CVs in the GOA are based on the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that fishery from 1995 through 1997 (§ 679.64(b)(4)(ii)). Table 15 lists the proposed 2022 and 2023 non-exempt AFA CV halibut PSC limits for vessels using trawl gear in the GOA.

**Table 15--Proposed 2022 and 2023 Non-Exempt AFA CV Halibut PSC Sideboard Limits for Vessels using Trawl Gear in the GOA (PSC limits are rounded to the nearest metric ton)**

Season	Season dates	Fishery category	Ratio of 1995-1997 non-exempt AFA CV retained catch to total retained catch	Proposed 2022 and 2023 PSC limit	Proposed 2022 and 2023 non-exempt AFA CV PSC limit
1	January 20 - April 1	shallow-water	0.340	384	131
		deep-water	0.070	135	9
2	April 1- July 1	shallow-water	0.340	85	29
		deep-water	0.070	256	18
3	July 1 - August 1	shallow-water	0.340	121	41
		deep-water	0.070	341	24
4	August 1 - October 1	shallow-water	0.340	53	18
		deep-water	0.070	75	5
5	October 1 - December 31	all targets	0.205	256	52
Annual		Total shallow-water			219
		Total deep-water			56
		Grand Total, all seasons and categories		1,706	328

### *Non-AFA Crab Vessel Groundfish Harvest Limitations*

Section 680.22 establishes groundfish sideboard limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using

the increased flexibility provided by the Crab Rationalization (CR) Program to expand their level of participation in the GOA groundfish fisheries. Sideboard harvest limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to landings made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard harvest limits is described in detail in the final rules implementing the major provisions of the CR Program, including Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015). Also, NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-AFA crab vessels from directed fishing for all groundfish species or species groups subject to sideboard limits, except for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas (§ 680.22(e)(1)(iii)). Accordingly, the GOA annual harvest specifications will include only the non-AFA crab vessel groundfish sideboard limits for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas.

Table 16 lists the proposed 2022 and 2023 groundfish sideboard limits for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

**Table 16--Proposed 2022 and 2023 GOA Non-American Fisheries Act Crab Vessel Groundfish Sideboard Limits (Values are rounded to the nearest metric ton)**

Species	Season/gear	Area/component/ gear	Ratio of 1996- 2000 non-AFA crab vessel catch to 1996- 2000 total harvest	Proposed 2022 and 2023 TACs	Proposed 2022 and 2023 non- AFA crab vessel sideboard limit
Pacific cod	A Season January 1 - June 10	Western Pot CV	0.0997	5,749	573
		Central Pot CV	0.0474	10,601	502
	B Season September 1 - December 31	Western Pot CV	0.0997	3,275	327
		Central Pot CV	0.0474	5,933	281

### *Rockfish Program Groundfish Sideboard and Halibut PSC Limitations*

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, CP rockfish sideboard restrictions, and CP opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

CPs participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These CPs are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31 (§ 679.82(e)(2)). Holders of CP-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each rockfish sideboard limits that is not assigned to Rockfish Program cooperatives (§ 679.82(e)(7)). The sideboard ratio for each rockfish fishery in the Western GOA and West Yakutat District is set forth in § 679.82(e)(3) and (e)(4). Table 17 lists the proposed 2022 and 2023 Rockfish Program CP rockfish sideboard limits in the Western GOA and West Yakutat District. Due to confidentiality

requirements associated with fisheries data, the sideboard limits for the West Yakutat District are not displayed.

**Table 17--Proposed 2022 and 2023 Rockfish Program Sideboard Limits for the Western GOA and West Yakutat District by Fishery for the Catcher/Processor (CP) Sector (Values are rounded to the nearest metric ton)**

Area	Fishery	CP sector (% of TAC)	Proposed 2022 and 2023 TACs	Proposed 2022 and 2023 CP sideboard limit
Western GOA	Dusky rockfish	72.3	265	192
	Pacific ocean perch	50.6	1,572	795
	Northern rockfish	74.3	1,926	1,431
West Yakutat District	Dusky rockfish	Confidential <sup>1</sup>	460	Confidential <sup>1</sup>
	Pacific ocean perch	Confidential <sup>1</sup>	1,631	Confidential <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the CP sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31 (§ 679.82(e)(3) and (e)(5)). Halibut PSC sideboard ratios by fishery are set forth in § 679.82(e)(5). No halibut PSC sideboard limits apply to the CV sector, as vessels participating in a rockfish cooperative receive a portion of the annual halibut PSC limit. CPs that opt out of the Rockfish Program would be able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to CP rockfish cooperatives. The sideboard provisions for CPs that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which CPs have opted-out of the Rockfish Program in 2022, and will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboard limits for 2022 and post these limits on the Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable->



*fisheries/alaska-fisheries-management-reports#central-go-a-rockfish*. Table 18 lists the proposed 2022 and 2023 Rockfish Program halibut PSC sideboard limits for the CP sector.

**Table 18--Proposed 2022 and 2023 Rockfish Program Halibut PSC Sideboard Limits for the Catcher/Processor Sector (Values are rounded to the nearest metric ton)**

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	Annual halibut PSC limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor	0.10	2.50	1,706	2	43

#### *Amendment 80 Program Groundfish and PSC Sideboard Limits*

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl CP sector. The Amendment 80 Program established groundfish and halibut PSC limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 Program vessels, other than the F/V *Golden Fleece*, to amounts no greater than the limits shown in Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Table 19 lists the proposed 2022 and 2023 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or

incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Table 19.

**Table 19--Proposed 2022 and 2023 GOA Groundfish Sideboard Limits for Amendment 80 Program Vessels (Values are rounded to the nearest metric ton)**

Species	Season	Area	Ratio of Amendment 80 sector vessels 1998 - 2004 catch to TAC	Proposed 2022 and 2023 TAC (mt)	Proposed 2022 and 2023 Amendment 80 vessel sideboard limits (mt)
Pollock	A Season January 20 – May 31	Shumagin (610)	0.003	695	2
		Chirikof (620)	0.002	36,294	73
		Kodiak (630)	0.002	5,476	11
	B Season September 1 – November 1	Shumagin (610)	0.003	15,372	46
		Chirikof (620)	0.002	11,420	23
		Kodiak (630)	0.002	15,672	31
	Annual	WYK (640)	0.002	4,706	9
Pacific cod	A Season <sup>1</sup>	W	0.020	5,749	115
	January 1 - June 10	C	0.044	10,601	466
		W	0.020	3,275	66
	September 1 - December 31	C	0.044	5,933	261
	Annual	WYK	0.034	2,403	82
Pacific ocean perch	Annual	W	0.994	1,572	1,563
		WYK	0.961	1,631	1,567
Northern rockfish	Annual	W	1.000	1,926	1,926
Dusky rockfish	Annual	W	0.764	265	202
		WYK	0.896	460	412

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

<sup>3</sup> The Western and Central GOA and WYK District area apportionments of pollock are considered ACLs.

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historical use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historical use to accommodate two factors: allocation of halibut PSC cooperative quota under the Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 20 lists the proposed 2022 and 2023 halibut PSC

sideboard limits for Amendment 80 Program vessels. This table incorporate the maximum percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 halibut PSC sideboard limit may carry forward to the next season limit (§ 679.92(b)(2)).

**Table 20--Proposed 2022 and 2023 Halibut PSC Sideboard Limits for Amendment 80 Program Vessels in the GOA (Values are rounded to the nearest metric ton)**

Season	Season dates	Fishery category	Historic Amendment 80 use of the annual halibut PSC limit (ratio)	Proposed 2022 and 2023 annual PSC limit (mt)	Proposed 2022 and 2023 Amendment 80 vessel PSC sideboard limit (mt)
1	January 20 – April 1	shallow-water	0.0048	1,706	8
		deep-water	0.0115	1,706	20
2	April 1 - July 1	shallow-water	0.0189	1,706	32
		deep-water	0.1072	1,706	183
3	July 1 - August 1	shallow-water	0.0146	1,706	25
		deep-water	0.0521	1,706	89
4	August 1 - October 1	shallow-water	0.0074	1,706	13
		deep-water	0.0014	1,706	2
5	October 1 - December 31	shallow-water	0.0227	1,706	39
		deep-water	0.0371	1,706	63
Annual		Total shallow-water			117
		Total deep-water			357
		Grand Total, all seasons and categories			

### Classification

NMFS has determined that the proposed harvest specifications are consistent with the FMP and preliminarily determined that the proposed harvest specifications are consistent with the Magnuson-Stevens Act and other applicable laws, subject to further review after public comment.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2022 and 2023 harvest specifications to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (40 CFR 1501.11(b); § 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of the proposed groundfish harvest specifications and alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred Alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

#### *Initial Regulatory Flexibility Analysis*

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact that this proposed rule, if adopted, would have on small entities. The IRFA describes the action; the reasons why this proposed rule is proposed; the objectives and legal basis for this proposed rule; the estimated number and description of directly regulated small entities to which this proposed rule would apply; the recordkeeping, reporting, and other compliance requirements of this proposed rule; and the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this

proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. A shoreside processor primarily involved in seafood processing (NAICS code 311710) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

#### *Number and Description of Small Entities Regulated by This Proposed Rule*

The entities directly regulated by the groundfish harvest specifications include: a) entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); b) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the state-waters parallel fisheries; and c) all entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

In 2020 (the most recent year of complete data), there were 699 individual CVs and CPs with gross revenues less than or equal to \$11 million. This estimate does not account for corporate affiliations among vessels, and for cooperative affiliations among fishing entities, since some of the fishing vessels operating in the GOA are members of AFA inshore pollock cooperatives, GOA rockfish cooperatives, or BSAI CR Program

cooperatives. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA because the aggregate gross receipts of all participating members exceed the \$11 million threshold. After accounting for membership in these cooperatives, there are an estimated 696 small CV and 3 small CP entities remaining in the GOA groundfish sector. However, the estimate of these 696 CVs may be an overstatement of the number of small entities. This latter group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be \$340,000, \$650,000, and \$1.71 million, respectively. Average gross revenues for CP entities are confidential.

*Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities*

The action under consideration is the proposed 2022 and 2023 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the GOA. This action is necessary to establish harvest limits for groundfish during the 2022 and 2023 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council's harvest strategy to govern the catch of groundfish in the GOA. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with preferred harvest strategy are those recommended by the Council in October 2021. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2021, and reviewed

by the Council's SSC in October 2021. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The TACs in these proposed 2022 and 2023 harvest specifications are unchanged from the 2022 TACs in the final 2021 and 2022 harvest specifications (86 FR 10184; February 19, 2021), and the sum of all TACs remains within OY for the GOA.

The proposed 2022 and 2023 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2022 and 2023 TACs are based on the best available biological and socioeconomic information. The proposed 2022 and 2023 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For most species and species groups in the GOA, the Council recommended, and NMFS proposes, TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the GOA.

For some species and species groups, however, the Council recommended and NMFS proposes TACs that are less than the proposed ABCs, including for pollock in the W/C/WYK Regulatory Area, Pacific cod, shallow-water flatfish in the Western Regulatory Area, arrowtooth flounder except in the Central Regulatory Area, flathead sole in the Western and Central Regulatory Areas, other rockfish in the SEO District, and Atka mackerel. In the GOA, increasing TACs for some species may not result in increased harvest opportunities for those species. This is due to a variety of reasons. There may be a lack of commercial or market interest in some species. Additionally,

there are fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species that can lead to an underharvest of flatfish TACs. For this reason, the shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The other rockfish and Atka mackerel TACs are set to accommodate ICAs in other fisheries. Finally, the TACs for two species (pollock and Pacific cod) cannot be set equal to ABC, as the TAC must be reduced to account for the State's GHs in these fisheries. The W/C/WYK Regulatory Area pollock TAC and the GOA Pacific cod TACs are therefore set to account for the State's GHs for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. For most species in the GOA, the Council recommended, and NMFS proposes, that proposed TACs equal proposed ABCs, unless other conservation or management reasons support proposed TAC amounts less than the proposed ABCs.

Based upon the best available scientific data, and in consideration of the Council's objectives of this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the GOA, including small entities. The action proposes TACs for commercially valuable species in the GOA and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process during which the Council solicited input from stakeholders, the Council concluded that the proposed harvest specifications would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.



This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.

Dated: November 29, 2021.

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